

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:
ALL CLASS ACTIONS

CIVIL ACTION: 01-CV-12257-PBS
Judge Patti B. Saris

**CLASS PLAINTIFFS' SUBMISSION REGARDING REIMBURSEMENTS FOR
ANZAMET BY PIPEFITTERS LOCAL 537 TRUST FUND**

Class Plaintiffs submit this Memorandum, and the Declaration of Edward Notargiacomo filed herewith, in response to a request by the Court for clarification concerning reimbursement of Aventis' drug Anzamet by Pipefitters Local 537 Trust Funds (the "Fund") during a hearing on August 27, 2007 related to proceedings against Track II Defendants and in response to a chart submitted to the Court by counsel for Aventis during that hearing.

A review of the data related to the Fund's reimbursement for Anzamet reveals that the Fund's reimbursement is related to AWP and that the Fund paid for Anzamet based upon the 1999 AWP for the drug.

This conclusion is drawn from the following observations. The BCBSMA data related to the Fund shows two reimbursements in 2001 by the Fund for the drug Anzamet. See Declaration of Edward Notargiacomo ("Notargiacomo Decl.") Exh. A. The data shows that the co-payment amount paid by the consumer for both of these transactions ("COINS_Amt") was \$14.81. The data also shows that the amount paid by the Fund ("Paid_Amt") to be \$133.29 per transaction. Adding the co-payment and the amount paid by the Fund confirms the allowed amount indicated

in the data ("Allowed_Amt") of \$148.10 (\$14.81 + \$133.29 = \$148.10). The 1999 AWP for Anzamet was \$155.88. *Notargiacomo Decl.* Exh B. An allowed amount of \$148.10 is 95% of the 1999 AWP for Anzamet of \$155.88 (.95 X \$155.88 = \$148.086).

Thus there is no doubt that the Fund made payments for Anzamet based upon the AWP of the drug.

DATED: September 4, 2007

By /s/ Steve W. Berman

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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on September 4, 2007, I caused copies of **CLASS PLAINTIFFS' SUBMISSION EGARDING REIMBURSEMENTS FOR ANZAMET BY PIPEFITTERS LOCAL 537 TRUST FUND** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman
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